



## Legislation Text

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**File #:** 0061X-2017, **Version:** 1

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### **BACKGROUND:**

The City's Department of Public Service ("DPS") is engaged in the Arterial Street Rehabilitation - Hard Road Phase-A/Sawmill Road - Smoky Row Road Project (PID 598095-10000) ("Public Project"). The City must acquire certain fee simple title and lesser real estate located in the vicinity of the public right-of-way of Hard Road, Columbus, Ohio 43235 (collectively, "Real Estate") in order for DPS to complete the Public Project. The City passed Ordinance Numbers 1996-2012 and 1627-2014 authorizing the City Attorney to acquire the Real Estate. Furthermore, the City also adopted Resolution 0218X-2013 establishing the City's intent to appropriate the Real Estate. However, DPS pursuant to Franklin County Case No. 15CV-08703, modified the Public Project requiring the City to acquire and accept certain additional or modified fee simple title and lesser real estate located in the vicinity of the public right-of-way of Hard Road, Columbus, Ohio 43235 subsequent to the adoption of Resolution 0218X-2013 ("Modified Real Estate"). Accordingly, the City intends to appropriate and accept the Modified Real Estate in the event the City Attorney is unable to (i) locate the owners of the Modified Real Estate, or (ii) agree with the owners of the Modified Real Estate in good faith regarding the amount of just compensation for the Modified Real Estate.

### **CONTRACT COMPLIANCE:**

Not applicable.

### **FISCAL IMPACT:**

Not applicable.

### **EMERGENCY JUSTIFICATION:**

Emergency action is requested in order to acquire the Real Estate and allow DPS to timely complete the Public Project without unnecessary delay, which will preserve the public peace, health, property, safety, and welfare.

To declare the City's necessity and intent to appropriate and accept certain additional or modified fee simple title and lesser real estate in order to complete Arterial Street Rehabilitation - Hard Road Phase-A/Sawmill Road - Smoky Row Road Project (PID 598095-10000) ("Public Project"); and to declare an emergency (\$0.00)

**WHEREAS**, the City intends to improve certain public right-of-way by allowing the Department of Public Service (DPS) to engage in the Arterial Street Rehabilitation - Hard Road Phase-A/Sawmill Road - Smoky Row Road Project (PID 598095-10000) ("Public Project").

**WHEREAS**, the City intends for the City Attorney to acquire the necessary additional or modified fee simple title and lesser real estate located in the vicinity of the public right-of-way of Hard Road, Columbus, Ohio 43235 (i.e. Modified Real Estate) in order to complete the Public Project;

**WHEREAS**, the City intends for the Real Estate's acquisition to help make, improve, or repair certain portions of public roadway and associated appurtenances, which will be open to the public without charge;

**WHEREAS**, the City intends to appropriate and accept the Modified Real Estate in the event the City Attorney is unable to (i) locate the owners of the Modified Real Estate, or (ii) agree with the owners of the Modified Real Estate in good faith regarding the amount of just compensation for the Modified Real Estate;

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Public Service in that it is immediately necessary to declare the City's necessity and intent; now, therefore,

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF COLUMBUS, OHIO:**

**SECTION 1.** The City, pursuant to the City's Charter, Columbus City Revised Code, Chapter 909 (1959), Constitution of the state of Ohio, and Ohio Revised Code, Chapter 719, declares the necessity and intent to appropriate and accept the additional or modified fee simple title and lesser real estate to the following listed parcels (i.e. Modified Real Estate), which are fully described in their associated exhibits and incorporated into this resolution for reference, in order for the Department of Public Service (DPS) to complete the Arterial Street Rehabilitation - Hard Road Phase-A/Sawmill Road - Smoky Row Road Project (PID 598095-10000) ("Public Project"):

(Exhibit) ... (Public Project Parcel Identification) ... (Modified Real Estate)

1) 11-WD1 (fee simple title without limitation of access)

**SECTION 2.** The City Attorney is authorized to cause a written notice of this resolution's adoption to be served in the manner provided by law upon the owner(s), person(s) in possession, or person(s) possessing a real or possible real property interest of record in the Modified Real Estate.

**SECTION 3.** This resolution, for the reasons stated in the preamble, which are made of part of this resolution and fully incorporated for reference as if rewritten, is declared to be an emergency measure and shall take effect and be in force from and after this resolution's adoption and approval by the Mayor or ten (10) days after its adoption if the Mayor neither approves nor vetoes this resolution.